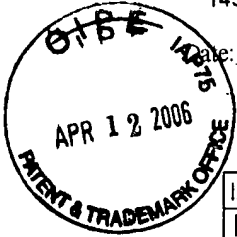


Express Mail Label No. EV 336 059 876 US

Attorney Docket No. 59150-8035

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as Express Mail Post Office to Addressee, Express Mail Label No. EV 336 059 876 US in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on:



Date: April 12, 2006 By: Lynnea B. Kennelly  
Lynnea B. Kennelly

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:	Masaharu KURODA
IA FILING DATE:	December 9, 2003
SERIAL NO.:	10/539,992
Group Art Unit:	unknown
Confirmation No.	8318
FOR: <b>PLANT WITH REDUCED PROTEIN CONTENT IN SEED, METHOD OF CONSTRUCTING THE SAME AND METHOD OF USING THE SAME</b>	

**Response to Notification of Missing Requirements under 35 USC in the United States Designated/Elected Office (DO/EO/US)**

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. In response to the Notification of Missing Requirements Under 35 USC 371 mailed **February 14, 2006** (copy enclosed), applicant submits the following:

- ☒ A Preliminary Amendment
- ☒ A Signed Declaration of Inventorship
- ☒ A Power of Attorney document with a copy of the receipt from electronic filing of the assignment.
- ☒ Two CD-Roms including the sequence listing and matching declaration
- ☒ A check in the amount of \$4740 for the additional claim fees and surcharge due.

2. Conditional Petition for Extension of Time

Applicant petitions for an Extension of Time if necessary for timely filing of this Response.

3. Fee Payment

- ☒ Enclosed is a check in the amount of \$4740 for the additional claim fees and surcharge due. The Commissioner is hereby authorized to credit any overpayment or charge any underpayment in fees to Deposit Account No. 50-2207.

Respectfully submitted,

Jacqueline F. Mahoney

Jacqueline F. Mahoney  
Registration No. 48,390

Date: April 12, 2006

**Correspondence Address:**

Customer No. 22918  
Direct Tel: (650) 838-4410



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 12 2006

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER

10/539,992

FIRST NAMED APPLICANT

Masaharu Kuroda

ATTY. DOCKET NO.

59150-8035

22918  
 PERKINS COIE LLP  
 P.O. BOX 2168  
 MENLO PARK, CA 94026

**DOCKETED**

FOR

4/14/06

PERKINS, COIE LLP

INITIALS \_\_\_\_\_

INTERNATIONAL APPLICATION NO.

PCT/JP03/15753

I.A. FILING DATE

12/09/2003

PRIORITY DATE

12/20/2002

**CONFIRMATION NO. 8318****371 FORMALITIES LETTER**

\*OC000000018012347\*

Date Mailed: 02/14/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/20/2005
- English Translation of the IA filed on 06/20/2005
- Copy of the International Search Report filed on 06/20/2005
- Copy of IPE Report filed on 06/20/2005
- Information Disclosure Statements filed on 06/20/2005
- Oath or Declaration filed on 06/20/2005
- U.S. Basic National Fees filed on 06/20/2005
- Priority Documents filed on 06/20/2005
- Specification filed on 06/20/2005
- Claims filed on 06/20/2005
- Abstracts filed on 06/20/2005
- Drawings filed on 06/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$4610** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$4640** for a Large Entity:

- **\$130 Surcharge.**
  - This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is **\$ 4610**
  - **\$600** for 3 independent claims over 3.
  - **\$3650** for 73 total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

(A previous payment of **\$100** will be applied to the additional fees indicated above.)

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,992	PCT/JP03/15753	59150-8035

FORM PCT/DO/EO/905 (371 Formalities Notice)